THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 11122 of 2006

Date:19-07-2007

Between:

Gangadipalli Venkat Rao and five others

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PETITIONERS

AND

The District Collector, Visakhapatnam and two others

.. RESPONDENTS

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ORDER:

The petitioners seek a writ of mandamus to declare the tender proceedings in respect of shop Nos.392 to 397 for IL-24 licence of Visakhapatnam District, Paderu Division for the excise year 2006-08, as illegal and arbitrary.

None appears for the petitioners.

It is the case of the petitioners that pursuant to the auction notification dated 27.05.2006 by the District Collector, Visakhapatnam notifying the shops under A.P. Excise (Lease of right of selling by shops and conditions of licenses) Rules, 2005 inviting the sealed tenders, the petitioners who were ready to participate in the tender proceedings with regard to six shops i.e. 1, 2, 3, 4, 5 and 6 which are notified as Shop Nos.392 to 397 approached the Prohibition and Excise Superintendent along with all necessary documents, but they were not allowed to submit the tenders and they were prevented on 02.06.2006 and therefore, they have made a representation dated 02.06.2006 to consider their tenders, but their request has not been considered.

A counter has been filed by the respondents stating that pursuant to the said notification notifying 406 shops, 1043 tenders were received for 406 shops before 5.00 P.M. on 02.06.2006. But, the petitioners herein who got their forms in A-1 and A-3 declarations failed to submit the tenders within the stipulated time for the reasons best known to them. It is stated that the tenders received within the prescribed time up to 5.00 P.M. on 02.06.2006 were opened on the next day i.e. on 03.06.2006 and the tenders were

finalized.

The petitioners failed to implead the auction purchasers also and more than half of the period of the excise year has already been over. Admittedly, the petitioners have not filed the tenders and hence the question of considering their tenders after the prescribed date and time does not arise. Therefore, I am of the opinion that the petitioners are not entitled to claim any relief claimed in the writ petition.

Accordingly, the writ petition is dismissed. No costs.

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V.ESWARAIAH, J.

Date:19.07.2007
Ccm